

**PROPOSED NEIGHBORHOOD COUNCIL BOARD MEMBER
CODE OF CONDUCT POLICY
2021-1
(September 17, 2023)**

;

WHEREAS, on March 30, 2022, Mayor Eric Garcetti issued Executive Directive No. 34 implementing the city-wide Workplace Equity Policy and the Workplace Equity Complaint Procedure:

WHEREAS, the Workplace Equity Policy protects volunteers, including Neighborhood Council board members from harassment, sexual harassment, hazing, bullying, and inequitable conduct, as defined in the Workplace Equity Policy;

WHEREAS, the Board of Neighborhood Commissioners (the Commission) recognizes the need to apply the Workplace Equity Policy definitions to Neighborhood Councils;

WHEREAS, the Commission adopted a Code of Conduct Policy in 2016 and an amended Code of Conduct Policy in 2018, to govern the conduct of Neighborhood Council members;

WHEREAS, the Commission expects Board Members and Committee Members, including stakeholders serving on committees to conduct themselves in a manner in keeping with the Commission's Code of Conduct and with regard for the rights and welfare of others in the system;

WHEREAS, Certified Neighborhood Councils are encouraged to be independent in accordance with the Los Angeles City Charter and Administrative Code and have the tools to address violations of this Code of Conduct;

WHEREAS, Section 902 (b) of Article IX of the City Charter provides that the Commission "shall be responsible for policy setting and policy oversight and the promulgation of rules and regulations but not be responsible for day to-day management;

NOW, THEREFORE, BE IT RESOLVED that the Commission amends the Code of Conduct policy to conform to the City Workplace Equity Policy.

NOW, THEREFORE, IT IS FURTHER RESOLVED that the Commission amends the Code of Conduct POLICY NUMBER: 2014 2(2) to say:

POLICY NUMBER: 2021-(1)

1. Neighborhood Council Board Members and Committee Members are required to acknowledge this policy (Exhibit "A") in the manner established by the Department of Neighborhood Empowerment (Department). Neighborhood Council Board Members and Committee Members shall acknowledge this policy every two years.
2. The Neighborhood Council Boards shall be responsible for informing Stakeholder Committee Members of their obligation to acknowledge this policy as a condition of committee service. The Neighborhood Council shall retain a copy of the Stakeholder Committee Member's acknowledgment.
3. Neighborhood Council Boards shall be responsible for informing appointed board members of their responsibility to acknowledge the Code of Conduct. Newly elected, selected, appointed, or re-elected Neighborhood Council board members and committee members shall have a grace period of 30 days from the date the board member or committee member begins assuming their duties to comply with this policy as indicated in item #1.
4. When a Neighborhood Council Board Member fails or refuses to comply with item #1, above, the Department shall have the authority to suspend the Board Member from their Neighborhood Council. Said Board Member shall not be eligible to act on any matter that comes before their Neighborhood Council and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council.
 - a. The Department shall notify the Board Member of their suspension by sending a letter to their last known email address and/or physical mailing address.
 - b. The Department shall also notify *the Executive Officers and the remainder of* the Board Members by email and/or U.S. mail of the suspension of the Board Member.
 - c. The Neighborhood Council shall retain its authority to remove Committee Members for failure to adhere to this policy.
5. If within 30 days the Board Member complies with item # 1 above, the Board Member shall be reinstated.
6. If after 30 days of being suspended the Neighborhood Council Board Member does not comply with the provisions of item #1 above, they shall be removed as a Neighborhood Council Board Member by the following procedures:
 - a. Prior to any Board Member being removed pursuant to this policy they shall have the right to present to the Department evidence that he, she, or they have complied with this policy. The Department shall be the sole and final decision maker of whether the matter should proceed before the Commission.
 - b. If the Department determines that the Board Member has not complied with item # 1 above, the Department shall recommend to the Commission that the Board Member be removed, and their Board position be declared vacant pursuant to Los Angeles Administrative Code Section 22.810.1(e)(3).

- c. If the Board member is removed by the Commission, the Department will notify the individual of their removal by sending a letter to their last known email address and/or mailing address.
 - d. The Department will also notify *the Executive Officers and the remainder of* the Board by email and/or First-Class U.S. mail regarding the removal of the Board Member and that the Board Member's seat or position shall be considered vacant.
7. In the case of a Stakeholder Committee Member, who after 30 days has not complied with item #1 above, the Neighborhood Council Board shall remove the Committee Member pursuant to their bylaws.
8. If the Department is notified that a Board Member or Committee Member has committed an act of violence in violation of the Code of Conduct, the Department shall immediately suspend the Board or Committee Member and refer the matter to the appropriate city agency.
- a. The Department will notify the Board Member or Committee Member of their suspension by sending a letter to their last known email address and/or mailing address.
 - b. The Department will also notify the Board by email and/or First-Class U.S. mail regarding the suspension of the Board or Committee Member, and that the Board Member's position shall not be deemed vacant during the suspension period.
 - c. For the duration of the suspension period, said Board Member or Committee Member shall not be eligible to act on any matter that comes before their Neighborhood Council Board or Committee and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council Board or Committee.
 - d. The Neighborhood Council shall retain its authority to remove Board and Committee Members for failure to adhere to these provisions.
9. The Department may petition the Commission to remove a Board Member or Members for a violation of this Policy pursuant to the process for Declaring a Board Vacancy in Los Angeles Administrative Code 22.810.1(e)(3).

ATTACHMENT A

1. Neighborhood Council Board Members and Committee Members shall conduct themselves in a professional and civil manner.
2. This Policy applies to all Neighborhood Council Board or Committee meetings, Neighborhood Council events; events where the Neighborhood Council is a sponsor or participant; any event where a Board or committee member is acting, purports to be acting or appears to be acting in their official capacity as a Board or Committee Member; or when interacting with City employees, contractors, Neighborhood Council Board Members, Committee Members, and other volunteers.
3. This Policy also prohibits Neighborhood Council Board or Committee members who is acting, purports to be acting or appears to be acting in their official capacity as a Board or Committee Member from using any technology, communication system, or equipment, regardless of whether City-issued, personal, or otherwise, whether used online or offline, to deliver, display, store, forward, publish, circulate, or solicit material in violation of this Policy. The technology, communication systems, or equipment referenced in this subsection may include, but are not limited to, email, text, social media, internet, intranet, telephones, computers, fax machines, voicemail, radio, video, cell phones, mobile digital terminals, or other communication devices.
4. If necessary, it is expected that the Neighborhood Council shall use this policy to either Censure or Remove a Board member who violates this Policy in accordance with BONC Policy numbers 2020-3 and 2020-4 and will proceed to remove an offending Stakeholder Committee member in accordance with its bylaws.
5. This Policy prohibits harassment or discrimination on the basis of any Protected Category, or sexual harassment, other inappropriate conduct based on a Protected Category or protected activity. These activities interfere with the Policy's goals of maintaining diverse, equitable, inclusive, and productive Neighborhood Councils Protected Categories under this Policy include those set forth in Section 3.1 of the City Workplace Equity Policy.

This Policy also includes protections for individuals perceived as being a member of one of the Protected Categories and individuals associated with members of the Protected Categories.

6. Neighborhood Council Board and Committee members shall not engage in harassment. For the purposes of this Policy, harassment is the unwelcome and offensive, threatening, or abusive treatment of one or more persons (by any individual, including both Board and Committee members) because of their actual or perceived Protected Categories.

Harassment can include, but is not limited to, one or more instances of conduct as set forth in Section 3.2.2 of the City Workplace Equity Policy.

7. Neighborhood Council Board and Committee members shall not engage in sexual harassment. For the purposes of this Policy, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature (by any individual, including both Board and Committee members.)

Sexual harassment may include, but is not limited to, one or more instances of conduct as set forth in Section 3.2.3 of the City Workplace Equity Policy.

8. This Policy prohibits inequitable conduct.

Inequitable Conduct is any inappropriate conduct based on a Protected Category or protected activity. Inequitable Conduct includes any instance of unwelcome conduct directed at one or more persons, that is committed by any Neighborhood Council Board or Committee member, because of the person's actual or perceived Protected Category(ies) or protected activity(ies). Similarly unwelcome conduct that is sexual in nature may also violate this Policy.

Inequitable Conduct may be similar in nature to conduct defined as discrimination, harassment, and sexual harassment under this Policy, although to be considered Inequitable Conduct, it will be lesser in severity. It may include but is not limited to verbal or behavioral conduct that communicates hostile, derogatory or negative attitudes toward a person or persons because of their protective class or perceived protective class.

9. Certain behaviors, including hazing, abusive conduct, bullying, and other types of discourteous and unprofessional conduct interfere with the Commission's goals of fostering a civil, safe, professional, and productive environment for Neighborhood Councils. This Policy prohibits such conduct, and the Commission expects that Neighborhood Councils will respond promptly and effectively to reports of potential Policy violations. This includes action to stop, prevent and correct any conduct that violates this Policy.
 - a. Abusive Conduct is verbal, physical, electronic, or other behavior by a Neighborhood Council Board or Committee member, directed at one or more persons that demeans, intimidates, or humiliates or could reasonably be considered hostile, offensive, and unrelated to a legitimate interest of the Neighborhood Council.
 - b. Bullying is verbal, physical, electronic, or other behavior directed at one or more persons within a peer group that demeans, intimidates, or humiliates or could reasonably be considered hostile, offensive, and unrelated to a legitimate interest of the Neighborhood Council.

Bullying may constitute a violation of this Policy where it interferes with the performance of a Board or Committee member or creates an environment unfavorable to the goals of the Neighborhood Council system in promoting a safe and secure environment for all Board and Committee Members and members of the public.

Abusive conduct and bullying consist of a broad range of behaviors, which may be subtle or overt. In most circumstances, abusive conduct or bullying consists of repeated or multiple incidents, over a period of time. The determination of whether a particular act constitutes abusive conduct or bullying will depend on the circumstances and context in which that act occurs.

Abusive Conduct and/or Bullying can include one or more instances of conduct as set forth in Section 4.2.2 of the City Workplace Equity Policy.

By signing this document, I acknowledge that I have received a copy of this Code of Conduct and understand that I must abide by it.

I also understand that if I am found to have violated the Code of Conduct, I may be subject to censure and/or removal by my Neighborhood Council Board, or by action of the Department or the Commission.

Any Neighborhood Council bylaws in conflict with this Code of Conduct are hereby superseded.

NEIGHBORHOOD COUNCIL

BOARD OR COMMITTEE POSITION

SIGNED

DATE

NAME PRINTED